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Westmoreland Feared 'Misunderstanding'

General's Admission May Help CBS Case

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NEW YORK, Dec. 3—Retired general William C. Westmoreland said today that he was concerned 17 years ago that some of his superiors, including the chairman of the Joint Chiefs of Staff, might have misunderstood higher enemy-troop estimates that his intelligence chief tried to send up the chain of command.

The admission in the eighth day of testimony by the 70-year-old general, who seemed tired after a two-day absence last week for what was described as back trouble, appeared to provide an important piece of the CBS argument that Westmoreland blocked the delivery of higher enemy-troop figures to his superiors in May 1967 in order to maintain support for the Vietnam war.

At issue in Westmoreland's \$120 million libel case against CBS is whether a 1982 "CBS Reports" documentary was incorrect in charging that Westmoreland and other military and intelligence officials had engaged in a "conspiracy" to keep crucial enemy troop data from the press, the public, Congress and the president.

The general's attorneys have argued that CBS defamed him when the program—called "The Uncounted Enemy: A Vietnam Deception"—said that the general misled his superiors, including the president. Such action would be a breach of duty for a military man.

Westmoreland said almost two weeks ago in court that he had discharged his responsibilities concerning new enemy-troop data in 1967 by informing his "military boss," Adm. U.S. Grant Sharp, then the commander of Pacific forces, and Westmoreland's "civilian boss," the late ambassador Ellsworth Bunker, of the proposed increases in the official Order of Battle that lists enemy strength.

Asked today by CBS attorney David Boies whether he told an officer who was briefing him about the new numbers in 1967 that he was concerned that the numbers might be misunderstood, Westmoreland answered: "I felt very strongly it could be and probably would be misunderstood by people in the chain of command and certainly others."

CBS lawyers have been arguing that the issue of conspiracy first arose in May 1967 when the general refused to send his superiors a cable drafted by his intelligence chief, retired major general Joseph McChristian, showing enemy estimates higher than those being given to the press, Congress and the president.

CBS attorneys have said that they expect their witnesses to tes-

tify that Westmoreland halted the draft cable and indicated that the official tally of enemy troop estimates could go no higher than 300,000.

Westmoreland said in court today that he did not impose a ceiling on his officers who prepared intelligence data for the president and others in Washington. He acknowledged that CIA officer George Carver, who had been part of a team of intelligence officers negotiating CIA-military differences on the enemy-troop figures, had believed that Westmoreland put a limit on enemy-troop numbers until Carver visited the general in Saigon in September 1967.

At that point, Carver testified that Westmoreland "immediately, firmly and emphatically" denied that he had imposed a ceiling. The general added today that "to impose a ceiling that would disregard intelligence . . . would be definitely improper."

Westmoreland, who has told the jury that official enemy figures decreased because the military dropped "civilians" from the roster of enemy fighters, said he learned after the CBS broadcast that some in his command had believed they had to drop enemy troop categories and pare down others to keep the total below 300,000.

"Apparently there were officers at a low level in the intelligence office . . . that apparently had an erroneous impression in that regard," he said.

Westmoreland also made it clear today that he did not read a number of articles in recent years that have criticized his command in Vietnam.

Westmoreland said that at the time it was published in 1975, he did not read an article by CBS co-defendant Samuel A. Adams, which argued that efforts by the military to hide higher enemy-troop estimates in 1967 backfired when the press and public were surprised that a "weaker" enemy launched the Tet Offensive in January 1968.

However, he said he had read an article by former ambassador Robert Komer in The Washington Star, "whereupon he challenged the thesis that Mr. Sam Adams had put forth . . ."

Special correspondent John Kennedy contributed to this report.